

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 2858-01
BILL NO.: HB 1676
SUBJECT: Provides Testimonial Privilege to Shelter Workers and Modifies Detention Period
TYPE: Original
DATE: February 8, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0 to (\$1,631,580)	\$0 to (\$1,631,580)	\$0 to (\$1,631,580)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator, Department of Health, Office of Prosecution Services, and Office of State Public Defender** assume that this proposal will not fiscally affect their agencies.

Officials from the **Jackson County Sheriff's Office and Kansas City Police Department** did not respond to our request for fiscal impact.

Officials from the **St. Louis Metropolitan Police Department (STLMPD)** estimated that housing detainees longer would fiscally impact the STLMPD. The STLMPD used total jail costs plus an indirect cost rate of 42% of that total to estimate a \$122 per day cost of housing prisoners. Jail costs reported by the STLMPD included:

Salaries and Benefits	\$3,971,358
Medical maintenance	\$ 450,000
Food/supplies	\$ 46,000
Sub-total	<u>\$4,467,358</u>
42% indirect rate	<u>\$1,876,290</u>
Total Jail Costs	<u>\$6,343,649</u>

Average cost per day \$17,380 for 52,000 prisoners or \$122 per day or \$5.08 per hour.

The STLMPD averages 7,000 domestic violence prisoners a year. Assuming the prisoners are kept an additional 16 hours (36 max less 20 already allowable), the costs for housing the prisoners would total \$569,302 per year.

Oversight assumes that local governments that have jails or other detainment facilities may see an increase in costs related to an increase in persons detained in these facilities. For purposes of this fiscal note, Oversight assumes a cost of housing a person in a jail or holding facility costs approximately \$30 per day across the state. Oversight notes that the incremental cost of keeping one prisoner 16 extra hours would be only the costs of three meals, which should not be greater than \$9 for one prisoner. However, if the jails or detention facilities are crowded, the local government would have to house prisoners in jails or other detention facilities with space. Typically, the local government is billed for these prisoner "days". Oversight does not have jail and detainment center population counts for all facilities statewide, therefore, for the purposes of this fiscal note, will assume the costs of detainment are \$30 a day.

ASSUMPTION (continued)

In order to project the potential jail costs, Oversight used a ratio based on the average prisoner count of 7,000 domestic violence prisoners in the St. Louis City area as compared to the total population in the City of St. Louis. The population count for the City of St. Louis is 351,565 as of 1990. The estimated domestic violence prisoner ratio is then 1.9% ($7,000 / 351,565 = 1.9\%$).

Missouri's population in 1990 was reported as 5,438,599. Therefore, it can be estimated that across the state, there could be 103,333 ($5,438,599 \times 1.9\% = 103,333$) domestic violence prisoners in jail or detention facilities in a one year time span using St. Louis City as a basis.

Oversight is assuming the ratio may be closer to 1%, and will use that as the basis for calculating the estimated costs of this proposal. This totals 54,386 domestic violence prisoners statewide.

Using the \$30 per day cost of housing a prisoner multiplied by 54,386 prisoners, the total estimated cost of housing the domestic violence prisoners is \$1,631,580 annually.

Oversight will range the costs from \$0 {which assumes the detainees are held only 20 hours which is currently allowed by law} to \$1,631,580 {which assumes the detainees are held an extra 16 hours ($20 \text{ plus } 16 = 36$ as allowable by the proposal)}. The costs are charged to local government funds.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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LOCAL GOVERNMENT FUNDS

Costs - Local Jail and Detention Facilities

Increased Costs to House Domestic Violence Detainees	\$0 to <u>(\$1,631,580)</u>	\$0 to <u>(\$1,631,580)</u>	\$0 to <u>(\$1,631,580)</u>
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ESTIMATED EFFECT ON LOCAL GOVERNMENT FUNDS	\$0 to <u>(\$1,631,580)</u>	\$0 to <u>(\$1,631,580)</u>	\$0 to <u>(\$1,631,580)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal provides a testimonial privilege for persons working in domestic violence shelters unless waived, in writing, by the worker.

The proposal also amends the holding period of persons arrested or detained to a minimum of eight hours and a maximum of 36 hours for domestic violence related incidents. The detention period may exceed 20 hours in unusual circumstances, including detentions that occur over holidays and weekends.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health
Office of State Courts Administrator
Office of Prosecution Services
Office of State Public Defender
St. Louis Metropolitan Police Department

NOT RESPONDING: Jackson County Sheriff and Kansas City Police Department



Jeanne Jarrett, CPA
Director
February 8, 2000